



US Army Corps of Engineers

Omaha District

PUBLIC NOTICE

Application No: 2001-90-664

Applicant: Mr. Martyn Salusso

Waterway: Georgetown Lake/Clark Fork River

Issue Date: January 18, 2003

Expiration Date: February 19, 2003 **30 DAY NOTICE**

Helena Regulatory Office

10 West 15th Street, Suite 2200

Helena, Montana 59626

**JOINT PUBLIC NOTICE
FOR PERMIT APPLICATION SUBMITTED TO
U.S. ARMY CORPS OF ENGINEERS
AND
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

The after-the-fact application of Mr. Martyn Salusso, for approval and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Corps of Engineers, Omaha, Nebraska. **The project described herein is not being proposed by the Corps, but by the applicant; the Corps will evaluate the unauthorized and proposed work to determine if it is permissible under current laws and regulations.**

Background: Without prior authorization from the U.S. Army Corps of Engineers, the applicant placed fill material below the ordinary high water mark of Georgetown Lake during construction of a rock pier and turnaround area. A Notice of Violation of the Federal Clean Water Act was sent to the applicant in May 2002 requesting further clarification of the facts surrounding the violation. In response an after-the-fact application was received in the Helena Regulatory Office in June 2002 requesting permission for the un-authorized fill and to allow the placement of large rip-rap rock at the base of the fill and a wooden dock structures on the end of the pier. In response, the Corps of Engineers requested the applicant to supply alternatives to the rock pier structure to eliminate or minimize the placement of fill in the lake and adjacent wetland. The applicant has indicated there are no other practical alternatives for access to water with fluctuating lake levels. The purpose of this notice is to receive comments to assist the Corps in evaluating whether the applicant should remove, alter, or be allowed to complete the structure as specified in the after-the-fact application.

Description of Proposed Project: The applicant has constructed a rock pier 70 feet long, 25 feet wide and 30 inches deep with a 25-foot wide by 40-foot long parking and turn around area on the shoreline. Approximately 1750 sq ft of lakebed and 1000 sq ft of wetland adjacent to the lake has been filled for the pier and parking area. The pier and parking area were constructed with washed graded rock from ¾ to 3 ½ inch in size. The applicant considers the pier complete but would like to place additional large rock around the base of the pier to reduce erosion from wave action. In addition a wooden dock structure would extend from the end of the pier. Photographs and drawings showing the extent of the project are attached to this notice.

Location and setting: The constructed and proposed activity is located near Jericho Bay on the west side of Georgetown Lake in the SW ¼ NW ¼ of Section 23, Township 5 North, Range 14 West, Granite County, Montana. A map showing the location of the project is attached to this notice. Jericho Bay is a special aquatic site (vegetated shallow) and the area around the bay is considered a lacustrine (lake) fringe wetland, another

special aquatic site subject to Section 404 Clean Water Act regulations. The Salusso rock pier is located in a developing residential subdivision on Jericho Bay. Alternative docking and launching facilities are available approximately 0.5 miles from the project site.

Purpose: The purpose of the proposed project is to gain access to deeper water throughout the open water seasons for recreation and to allow docking and access to a powerboat. The shoreline and lakebed descends on a 3 per cent grade so that the depth at the end of the 70-foot pier is approximately 24 inches at full pool.

401 Water Quality Certification: The Montana Department of Environmental Quality, 1520 East 6th Avenue, PO Box 200901, Helena, Montana 59620-0901, will review the proposed project with the intent to certify in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State's opinion that the operations undertaken by the applicant will not result in a violation of applicable water quality standards. The Montana Department of Environmental Quality hereby incorporates this public notice as its own public notice and procedures by reference thereto.

Cultural Resources: The Corps of Engineers, Omaha District will comply with the National Historic Preservation Act of 1966, as amended. We have checked the National Register of Historic Places and its current supplements, and there are no known National Register sites in the vicinity; however, we will evaluate input by the State Historic Preservation Office and the public in response to this public notice, and we may conduct or require a reconnaissance survey of the permit area to check for unknown historic or prehistoric properties, if warranted.

Threatened / Endangered Species: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered, or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

Evaluation Factors: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of work on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R.; Part 230).

Comments: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this constructed and proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall

public interest of the proposed activity. All public notice comments will be considered public information and will be subject to review by the applicant.

Any person may request, in writing and within the comment period specified in this notice, that a public hearing be held for the purpose of gathering additional information. Requests for public hearings must be identified as such and shall state specifically the reasons for holding a public hearing and what additional information would be obtained. The request must be submitted to the U.S. Army Corps of Engineers, 10 West 15th Street, Helena, Montana 59626. If it is decided that additional information is required and that a public hearing should be held, interested parties will be notified of the date, time and location.

Any interested party (particularly officials of any town, city, county, state, or Federal agency; Indian tribe; or local association whose interests may be affected by the work) is invited to submit to this office written facts, arguments, or objections on or before the expiration date listed on the front of this notice. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this application. All replies to the public notice should be addressed to the **U.S. Army Corps of Engineers, 10 West 15th Street, Helena, Montana 59626. Please reference the Application Number found on the first page of this notice in any correspondence.** Peter Schendel, Project Manager, telephone number (406) 441-1375, may be contacted for additional information. You may also fax your comments to (406) 441-1380 or email to Peter.L.Schendel@usace.army.mil.

Comments postmarked after the expiration date of this public notice will not be considered.

Statutory Authorities: A permit, if issued, will be under the provisions of Section 404 of the Clean Water Act.